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Response To Notice Of Non-Compliant Amendment

**REMARKS**

Claims 1, 3-5, 7-13, 15, 19-38, 40-42, 46-50, 52-56, and 61-64 are pending in the above-identified application, with claims 1, 4, 5, 7, 11-13, 15, 21-23, 25-27, 34-38, 40, 46, 48-50, 52-56, and 62-64 currently at issue. Claims 3, 8-10, 19, 20, 24, 28-33, 41, 42, 47, and 61 were identified as containing allowable subject matter. Claims 2, 6, 11-14, 19, 20, 37, 51, 57-60, and 64 have been canceled. Of the claims at issue, claims 1, 23, 35, 38, and 56 are independent claims. In view of the foregoing claim amendments and the following remarks, it is respectfully submitted that all pending claims are in a condition for allowance. Favorable consideration is respectfully requested.

**Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1, 4, 5, 7, 11-13, 15, 22, 23, 25-27, 35-38, 40, 46, 48-50, 52, 54-56, and 62-64 were rejected under § 102(b) as anticipated by Wolf (USPN 2,703,247). Based on past office actions and responses, it is clear that the examiner and the applicants have a different interpretation of the claim language that relates to a latch assembly with a "maintained release position." While the applicants do not concede that the examiner's interpretation is accurate, they have amended independent claims 1, 23, 35, 38, and 56 to clarify their position, such that the aforementioned language is no longer an issue. The applicants respectfully submit that the foregoing claim amendments have put the rejected claims in a condition for immediate allowance and respectfully request the same.

**Claims 1, 4, 5, 7, 15, and 22:**

Independent claim 1 is directed to, *inter alia*, a door latching system for a sectional door comprising a sensing member adapted to sense that a plurality of door panels have reached an open position and a latch member mountable adjacent to the sectional door and moveable from a maintained release position to a door-blocking position. The door latching system of claim 1 further comprises a traveling member mountable to a plurality of door panels such that the traveling member is able to move past the latch member without contacting the latch member as

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the door panels move from the closed to the open position. The traveling member is also mountable such that it is able to engage the sensing member when the plurality of door panels have nearly reached the open position, wherein it is the traveling member engaging the sensing member that causes the latch member to move to a door-blocking position.

Wolf fails to teach a door latching system in which a traveling member is mountable to the door panels such that it travels past the latch member without making contact with the latch member. Indeed, Wolf teaches exactly the opposite. The purported traveling member (126) of Wolf is mountable such that it can travel past a portion of the alleged latch member (88), but in doing so, it must contact the latch member. Put differently, the alleged latch member (88) of Wolf must be mounted in the path of the purported traveling member's (126) movement in order for the latch assembly to function properly. Specifically, Wolf states that:

When the door is raised, the strike pin 126 engages the under side of the nose 92 of the latch bar 88 and cams the bar upwardly so that the strike pin engages behind the shoulder 94 as shown in Fig. 5. If the door has sufficient momentum, it ratchets over one or more of the teeth 96 and comes to rest behind the farther-most of the shoulders 98 reached.

Col. 3, ll. 38 et seq. Thus, at best, Wolf teaches a traveling member mountable such that it can travel past a portion of a latch member, but in so doing, the traveling member must contact the latch member (to provide the ratcheting effect).

Wolf does not teach each and every element of amended claim 1 and, therefore, cannot anticipate claim 1 or any of the claims that depend therefrom. Claims 1, 4, 5, 7, 15, and 22 are in a condition for allowance.

**Claims 23, 25-27:**

Similarly, independent claim 23 recites, *inter alia*, a door latching system for a sectional door comprising a latch assembly mountable adjacent to the sectional door and comprising a latch member and a sensing member. The claimed door latching system further comprises a traveling member mountable to a plurality of door panels such that the traveling member is able to move past the latch member without contacting the latch member, while still being able to engage the

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sensing member as the door panels move from the closed to the open position. The traveling member engaging the sensing member mechanically moves the latch member to a door-blocking position.

The deficiencies of Wolf as detailed above in connection with claim 1 apply with equal weight here. For at least those reasons, independent claim 23 and the claims that depend therefrom are in a condition for allowance.

**Claims 35 and 36:**

Independent claim 35 is a method claim that defines over Wolf for many of the reasons detailed above. Specifically, claim 35 recites, *inter alia*, a method of operating a sectional door that includes maintaining a latch member at a release position such that a traveling member mounted to the plurality of door panels does not contact the latch member while the plurality of door panels move from their closed position toward their open position. The method further includes subsequently mechanically moving the latch member to its door-blocking position in response to the traveling member engaging the sensing member as the plurality of door panels move from the closed position to the open position.

As detailed above, Wolf does not disclose maintaining a latch member at a release position such that a traveling member mounted to the plurality of door panels does not contact the latch member while the plurality of door panels move from their closed position toward their open position. Wolf also does not disclose subsequently mechanically moving the latch member to its door-blocking position in response to the traveling member engaging the sensing member as the plurality of door panels move from the closed position to the open position. For at least these reasons, independent claim 35 and the claim that depends therefrom are in a condition for allowance.

**Claims 38, 40, 46, 48-50, 52, 54-55:**

Independent claim 38 recites, *inter alia*, a door latching system comprising a traveling member mountable to a plurality of door panels such that the traveling member is able to move

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past a latch member without contacting the latch member, while also being able to engage a sensing member as a plurality of door panels move from the closed position to the open position. The claim further specifies that the traveling member engaging the sensing member mechanically moves the latch member from a maintained release position to a door-blocking position.

The deficiencies of Wolf as detailed above in connection with claim 1 apply with equal weight here. For at least those reasons, independent claim 38 and the claims that depend therefrom are in a condition for allowance.

**Claims 56, 62, and 63:**

Like claim 35, independent claim 56 is a method claim and it, too, defines over Wolf for many of the reasons detailed above. Claim 56 recites, a method of operating a sectional door that includes, *inter alia*, maintaining a latch member in a retracted position such that a traveling member can move past the latch member without contacting it as a plurality of door panels move from a closed position to an open position. As detailed above, Wolf does not teach a method that includes this step.

For at least the reasons detailed above in connection with method claim 35, Wolf does not anticipate independent claim 56. Therefore, independent claim 56 and the claims that depend therefrom are in a condition for allowance.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 21, 34, and 53 were rejected under § 103(a) as unpatentable over Wolf in view of Delgado (USPN 5,271,448). Each of claims 21, 34, and 53 is a dependent claim that recites a door-latching system that further includes a second latch assembly mountable adjacent to the sectional door, wherein the second latch assembly engages the traveling member in response to the plurality of door panels moving to the closed position, thereby inhibiting the door panels from moving to the open position. The official action concedes that Wolf fails to disclose a latch assembly that engages the traveling member while the door panels are moving to the closed

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position to inhibit the door panels from moving to the open position but asserts that Delgado fills that void.

The applicants respectfully submit that the deficiencies of Wolf, as detailed above in connection with the independent claims, are not cured by Delgado. The official action correctly does not rely on Delgado for such a teaching, because it is not present. Therefore, dependent claims 21, 34, and 53 are allowable over the combination of Wolf and Delgado, and the applicants respectfully request such allowance.

#### Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

Hanley, Flight & Zimmerman, LLC  
20 North Wacker Drive - Suite 4220  
Chicago, Illinois 60606



Keith R. Jarosik  
Reg. No. 47,683  
Attorney for Applicants  
(312) 580-1133

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